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February 16, 2024

**VIA ECF ONLY**

The Honorable Robyn F. Tarnofsky  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

**Re: *Verdi v. Federal Deposit Insurance Corporation as Receiver for Signature Bank, et al.*,  
1:24-cv-00791 (DEH)(RFT) (S.D.N.Y.)**

Dear Judge Tarnofsky:

We represent defendant Stephen Wyremski in the above referenced-action, and write on behalf of defendants Stephen Wyremski, Joseph DePaolo, and Eric Howell (together, the “Individual Defendants”) to request that Your Honor vacate the deadlines set in the Court’s Order dated February 7, 2024, as to the Individual Defendants on the basis that they were not served. Plaintiff does not object to this request.

This case was initially filed in the U.S. District Court for the Central District of California on November 14, 2023, and transferred to the U.S. District Court for the Southern District of New York on February 2, 2024. *See* Dkt. No. 22. Plaintiff has not served the Individual Defendants in either action. *See generally* Docket, Case No. 8:23-cv-02131 (C.D. Cal.); Docket, Case No. 1:24-cv-00791 (S.D.N.Y.). Because the Individual Defendants have not been served, the time period for them to respond to the Complaint has not commenced. *See* Fed. R. Civ. P. 12(a) (time respond to a pleading accrues when defendant is served or has formally waived service); *see Murphy Bros v. Michetti Pipe Stringing*, 526 U.S. 344, 350 (1999) (“one becomes a party officially, and is required to take action in that capacity, only upon service of a summons or other authority-asserting measure stating the time within which the party served must appear and defend”).

Accordingly, the Individual Defendants respectfully request that the Court vacate as to them the February 19, 2024 deadline for them to respond to the Complaint, as well as the March 12, 2024 deadline for the Rule 16(b) conference, and any other deadlines that have been or will be set by the Court in the above-captioned action, as it relates to the Individual Defendants. The Individual Defendants’ request is on their behalf only, and does not seek alterations of any other deadlines as to the other named defendant in this action, the Federal Deposit Insurance Corporation as Receiver for Signature Bank.



Respectfully submitted,

/s/ Anand Sithian  
Anand Sithian

Cc: Counsel of Record (via ECF only)  
Counsel for Eric Howell (via email)  
Counsel for Joseph DePaolo (via email)  
Plaintiff Cameron N. Verdi (via email)

It is not clear to me that any defendants who have not been served would need an order to excuse them from the directives in my February 7, 2024 scheduling order, but to the extent that they do, the application of the individual defendants is GRANTED.

DATED: February 16, 2024  
New York, New York

SO ORDERED.

A handwritten signature in black ink, appearing to read 'RTarnofsky', written over a horizontal line.

**ROBYN F. TARNOFSKY**  
United States Magistrate Judge